

STATE OF MICHIGAN  
COURT OF APPEALS

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DILLON ZALENSKI, a Minor, by his Next  
Friend, RALPH ZALENSKI,

UNPUBLISHED  
July 8, 2004

Plaintiff-Appellant,

v

JAMES STANLEY, DIXIE LEE SENTERS, a/k/a  
DIXIE LEE STANLEY, and MARY JANE  
STANLEY,

No. 246643  
Wayne Circuit Court  
LC No. 02-200994-NI

Defendants-Appellees.

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Before: Griffin, P.J., and Cavanagh and Fort Hood, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order granting defendants' motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

We review a trial court's decision on a motion for summary disposition de novo. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). The moving party has the initial burden to support its claim to summary disposition by affidavits, depositions, admissions, or other documentary evidence. *Quinto v Cross & Peters Co*, 451 Mich 358, 362; 547 NW2d 314 (1996). The burden then shifts to the nonmoving party to demonstrate a genuine issue of disputed fact exists for trial. *Id.* To meet this burden, the nonmoving party must present documentary evidence establishing the existence of a material fact, and the motion is properly granted if this burden is not satisfied. *Id.*

A serious impairment of body function is "an objectively manifested impairment of an important body function that affects the person's general ability to lead his or her normal life." MCL 500.3135(7). See also *Kreiner v Fischer (On Remand)*, 256 Mich App 680, 686-687; 671 NW2d 95 (2003). For an impairment to be objectively manifested, there must be a medically identifiable injury or a condition that has a physical basis. *Jackson v Nelson*, 252 Mich App 643, 652-653; 654 NW2d 604 (2002). Whether a person has suffered a serious impairment of body function is a question of law for the court if there is no factual dispute concerning the nature and extent of the injuries, or if there is a factual dispute concerning the nature and extent of the injuries but the dispute is not material to whether the plaintiff has suffered a serious impairment of body function. MCL 500.3135(2)(a). Otherwise, the determination whether the plaintiff suffered a serious impairment of body function is a question of fact for the jury.

In determining whether the impairment of the important body function is serious such that it impacts the plaintiff's general ability to lead a normal life, the court should consider factors such as the extent of the injury, the treatment required, the duration of the disability, and the extent of residual impairment and prognosis for eventual recovery. *Kern v Blethen-Coluni*, 240 Mich App 333, 341; 612 NW2d 838 (2000). In assessing the extent of the injury, a court may compare the plaintiff's lifestyle before and after the injury. *May v Sommerfield (After Remand)*, 240 Mich App 504, 506; 617 NW2d 920 (2000).

Review of the record revealed that the minor suffered from some residual fear with regard to traveling in a vehicle due to the automobile accident. However, the minor's activities, including participation in games, sports, and school, were not impacted by the accident. The minor reported that he changed his seating position in the classroom and was not required to wear eyeglasses. On this record, the trial court properly granted defendants' motion for summary disposition.

Affirmed.

/s/ Richard Allen Griffin  
/s/ Mark J. Cavanagh  
/s/ Karen M. Fort Hood